

Message Text

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ACTION HA-05

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01
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LIMITED OFFICIAL USE SECTION 01 OF 02 GENEVA 08902

E.O. 11652: N/A
TAGS: SHUM
SUBJECT: HUMAN RIGHTS - PRIVATELY SPONSORED CONVENTION
AGAINST TORTURE

REF: GENEVA A-150

1. AT LUNCHEON MEETING JUNE 9 WITH NIALL MACDERMOT OF
INTERNATIONAL COMMISSION OF JURISTS MISOFF DISCUSSED
DRAFT CONVENTION AGAINST TORTURE SPONSORED BY A RETIRED
SWISS BANKER JEAN-JACQUES GAUTIER. GAUTIER HAS, WITH
ASSISTANCE FROM ICRC, HELD SEVERAL MEETINGS WITH NGO'S
AND SOME MISSIONS OVER THE YEARS IN AN ATTEMPT TO GET
ACCEPTANCE OF THE DOCUMENT. AT THE LAST SESSION WHICH
WAS HELD IN 1977, NEITHER NGO'S NOR GOVERNMENTS
RESPONDED FAVORABLY TO DRAFT BECAUSE THEY BELIEVED IT
WOULD RECEIVE THE APPROVAL OF ONLY A FEW WESTERN
DEMOCRATIC STATES. HOWEVER, IN RECENT WEEKS, THE
ICJ, NOT COMPLETELY SATISFIED WITH THE SWEDISH DRAFT CONVEN-
TION PRESENTED AT THE 34TH HRC SESSION, REEXAMINED THE
GAUTIER DOCUMENT AND NOW SEE IT AS A POSSIBLE
OPTIONAL PROTOCOL TO THE SWEDISH DRAFT. THE ICJ WILL
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SEEK SUPPORT FROM THREE OF THE SMALL NONALIGNED COUNTRIES
AND INTRODUCE THE DOCUMENT AT THE 35TH SESSION OF THE
COMMISSION. ICJ REQUESTS THAT THE U.S. STUDY THE DOCUMENT
AND DECIDE IF WE WANT TO BE ASSOCIATED WITH THE INITIATIVE.
ALL ACTION AND COORDINATION WILL BE THROUGH THE ICJ.
MISSION IS POUCHING DOCUMENT TO IO/HR HEWITT UNDER REGISTRY
NUMBER 3008110.

2. DURING COURSE OF MEETING ALSO ATTENDED BY FRANK CHANDLER (CANADA) AND MICHAEL LANDALE (AUSTRALIA), MACDERMIT SUGGESTED THAT PREPARATIONS BE UNDERTAKEN BY THE WEST TO SEE THAT THE SWEDISH DRAFT DID NOT GET BOGGED DOWN IN NIT-PICKING RHETORIC. HE SAID ONE POSITIVE ACTION WOULD BE TO REVIEW THE GOVERNMENT RESPONSES (REFAIRGRAM) ON THE DRAFT, FIND OUT WHAT PROBLEMS EXIST AND PREPARE CHANGES, RESPONSES, ETC., FOR USE BY THE WORKING GROUP ON THE DRAFT CONVENTION WHICH MEETS PRIOR TO THE HRC SESSION. MACDERMOT AGREED THAT THE ICJ WOULD CALL TWO MEETINGS OF GOVERNMENTS AND NGO'S PROBABLY IN NOVEMBER TO REVIEW THE GOVERNMENT RESPONSES AND PREPARE PAPERS FOR SUBMISSION TO THE WORKING GROUP.

3. THE DEPARTMENT MAY WISH TO CONSIDER CONTACTING EMBASSIES IN WASHINGTON ABOUT A CHAIRPERSON FOR THE WG SINCE, ACCORDING TO CHANDLER AND MACDERMOT, THERE IS A GENERAL FEELING AMONG COMMISSION MEMBERS THAT MRS. PANDIT WOULD NOT BE A SUITABLE CHAIRPERSON FOR SUCH AN ARDUOUS TASK. MACDERMOT FEELS WHOEVER IS CHOSEN HE OR SHE SHOULD BE FROM THE THIRD WORLD.

4. AMONG OTHER TOPICS DISCUSSED WAS THE HIGH COMMISSIONER FOR HUMAN RIGHTS. MACDERMOT URGED THAT THE WEST PRESS FORWARD THE INITIATIVE AND RECOMMENDED THAT A REDRAFT OF THE RESOLUTION INCLUDE THE EXACT DUTIES OF THE HC. HE LIMITED OFFICIAL USE

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BELIEVES THAT LACK OF SUCH DETAIL IN THE 1977 RESOLUTION WAS A WEAKNESS. NEITHER LANDALE NOR CHANDLER EXPRESSED ANY ENTHUSIASM FOR THE HIGH COMMISSIONER PROPOSAL AND WERE NONCOMMITAL ABOUT THEIR GOVERNMENTS PUSHING FORWARD THE INITIATIVE DURING THE 33RD GENERAL ASSEMBLY.

5. MACDERMOT EXPRESSED THE HOPE THAT THE WEST WOULD EXAMINE ALL ISSUES OF THE "ANALYSIS" UNDER THE PROMOTION OF HUMAN RIGHTS ITEM AND BE PREPARED TO MAKE POSITIVE INITIATIVES.

6. ON THE SUBJECT OF REGIONAL COMMISSIONS MACDERMOT CONFIRMED MISOFF'S IMPRESSION THAT A NUMBER OF AFRICAN JURISTS SUPPORT THE IDEA OF A HUMAN RIGHTS ORGANIZATION FOR THE AREA. THE ISSUE WILL BE INTRODUCED IN DAKAR AT THE SEPTEMBER ICJ SEMINAR ON HUMAN RIGHTS AND DEVELOPMENT.

7. IN DISCUSSING THE U.N. SEMINAR ON NATIONAL AND LOCAL HUMAN RIGHTS INSTITUTIONS AND THE POSSIBILITY OF HRD TECHNICAL ASSISTANCE TO COUNTRIES ESTABLISHING SUCH INSTITUTIONS (A PROPOSAL DISCUSSED BY VANDEN HEUVEL

DURING THE CHIEFS OF MISSION MEETING IN WASHINGTON),
CHANDLER FELT IT A GOOD IDEA AND SHOULD BE TESTED OUT
DURING THE SEMINAR. MACDERMOT SUGGESTED A FIRST STEP
MIGHT BE TO HAVE HRD PROVIDE INFORMATION TO MEMBER
STATES ON THE KINDS OF INSTITUTIONS THAT EXIST WORLDWIDE.
COUNTRIES WANTING TO SET UP INSTITUTIONS COULD, BASED
ON THE COLLECTED DATA, SELECT A MODEL (I.E. THE OMBUDSMAN
SYSTEM IN TANZANIA OR THE CANADIAN HUMAN RIGHTS NETWORK)
AND THEN REQUEST TECHNICAL ASSISTANCE IF DESIRED.
DEPARTMENT MAY WISH TO CONSIDER ADDING THE MACDERMOT
PROPOSAL TO THE TECHNICAL ASSISTANCE IDEA IF THE
DECISION IS MADE THAT WE INTRODUCE THE TA INITIATIVE

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DURING THE SEMINAR. BOTH AUSTRALIA AND CANADA, OUTRAGED
AT NOT BEING INVITED AS PARTICIPANTS IN THE SEMINAR WILL
ATTEND MEETING AS OBSERVERS.VANDEN HEUVEL

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